

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jasmine Miranda	Team: Team # 1	CCRB Case #: 201201856	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/30/2011 2:20 AM	Location of Incident: White Plains Road and East 228th Street	Precinct: 47	18 Mo. SOL 6/30/2013	EO SOL 6/30/2013	
Date/Time CV Reported Thu, 02/09/2012 8:40 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 02/09/2012 8:40 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Bennett Shelley	18552	947489	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Corizzi	13632	946879	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bennett Shelley	Off. Language: PO Bennett Shelley made remarks to § 87(2)(b) based upon race.	

Case Summary

On February 9, 2012, § 87(2)(b) filed the following complaint via the Civilian Complaint Review Board online website regarding an incident that occurred on December 30, 2011. § 87(2)(b) filed the report late because he did not know about the Civilian Complaint Review Board when the incident occurred.

On December 30, 2011 at approximately 2:20 AM, § 87(2)(b) was stopped by PO Bennett Shelley of the 47th Precinct for not wearing his seatbelt as he was driving on White Plains Road in the vicinity of East 228th Street in the Bronx. The following allegation resulted from their interaction.

Allegation A—PO Bennett Shelly made remarks to § 87(2)(b) based upon race.

§ 87(2)(g)

Due to the resignation of Inv. Danny Rivera, this case was reassigned to Inv. Jasmine Miranda on April 5, 2012. Mediation was offered to § 87(2)(b) but the opportunity to do so was declined.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a 6'0" tall, 220 lbs. § 87(2)(b) black male born on § 87(2)(b) with black or brown hair and brown eyes.

CCRB Statement

§ 87(2)(b) was interviewed on April 12, 2012 (encl. C4-9).

On Friday, December 30, 2011, § 87(2)(b) was driving home from a nearby casino on White Plains Road at 2:20 AM and had his seatbelt on. PO Bennett Shelley of the 47th Precinct, who was identified by name by § 87(2)(b) and was described as a 5'9" tall, 180-190 lbs. uniformed white male officer with an average build in his thirties, and his partner, PO Michael Corizzi of the 47th Precinct, who was identified via investigation; § 87(2)(b) was unable to describe, as he did not see him, were stationed in a marked police vehicle on the corner of East 233rd Street and White Plains Road in the Bronx. There were no other police officers present during this time. This intersection is underneath the 2 and 5 elevated train platform. It was dark outside and very difficult to see under the elevated platform. § 87(2)(b) drove by at around 20-25mph and came to a stop at a red light at East 229th Street. Roughly 15 to 20 seconds later, the marked police vehicle pulled up behind § 87(2)(b)'s 1995 dark blue Cadillac STS. Once the light turned green, § 87(2)(b) began to drive off. At this time, the marked car's turret lights came on. § 87(2)(b) pulled over and PO Shelley stepped up to § 87(2)(b)'s car. PO Corizzi stepped out of the police car and briefly glanced in the back of § 87(2)(b)'s Cadillac with a flashlight. PO Corizzi then went back to the police car. PO Shelley said to § 87(2)(b) "You have no seatbelt." § 87(2)(b) replied that he did have on his seatbelt and then opened his coat to show PO Shelley. This is when § 87(2)(b) recognized the officer as PO Shelley, due to another seatbelt summons he was given by the officer six months prior.

PO Shelley replied without looking, "You didn't have it on." § 87(2)(b) said, "We just came out of court." PO Shelley said "Well, you're going back again." § 87(2)(b) showed PO Shelley that his seatbelt was in fact on and explained to PO Shelley that he could not have seen § 87(2)(b)'s seatbelt from the vantage point within the marked car. PO Shelley replied that "there was plenty of light for [him] to see." PO Shelley took § 87(2)(b)'s license and registration and returned to the police car. About five minutes later, PO Shelley came back, by himself, with § 87(2)(b)

§ 87(2)(b)'s documents and handed him a summons along with it. The summons, § 87(2)(b) was for "operating vehicle without seatbelt." § 87(2)(b) asked PO Shelley, "Why are you doing this? I showed you that I have my seatbelt on." PO Shelley then stated that "all black people are liars." PO Shelley then left § 87(2)(b)'s vehicle. As PO Shelley was walking back to the police car, § 87(2)(b) leaned out of the window and said "I'm going to the precinct and I'm going to report you." PO Shelley continued walking back to the police car.

Around 2:30 PM or 3:00 PM on December 30, 2011, § 87(2)(b) went to the 47th Precinct stationhouse to "report" PO Shelley. § 87(2)(b) walked to the front gate that separated the desk officer from civilians and told the desk officer that he wanted to see the captain. The desk officer and another officer came from around the back to § 87(2)(b) and questioned him as to why he would want to speak with the captain. § 87(2)(b) said again that he just wanted to speak with the captain and did not want to disclose why. § 87(2)(b) said that the manner in which the officers were asking him about the captain led him to leave the stationhouse without filing a complaint.

NYPD Statements:

Subject Officer: PO BENNETT SHELLEY

- *PO Shelley is a 5'7" tall, 165 lbs. § 87(2)(b) year old white male with brown hair and brown eyes.*
- *On December 30, 2011, PO Shelley was on sector patrol with PO Michael Corizzi. PO Shelley was in uniform, operating a marked car and worked from 11:15 PM to 7:50 AM.*

Memo Book

PO Shelley's memo book stated that at 2:19 AM, § 87(2)(b) was issued a summons for not wearing a seatbelt. PO Shelley was operating car number 5362 and was travelling northbound on White Plains Road with a clear and unobstructed view of all southbound traffic. § 87(2)(b) was travelling southbound without wearing a safety belt. PO Shelley observed this through the windshield and driver's side window as § 87(2)(b) passed PO Shelley's marked vehicle at the intersection of East 233rd Street and White Plains Road. PO Shelley pulled over § 87(2)(b) on the corner of East 228th Street and White Plains Road. § 87(2)(b) stated that he was wearing his seatbelt and told PO Shelley that he was harassing him. PO Shelley issued summons number § 87(2)(b) (encl. D3-6).

CCRB Statement

PO Bennett Shelley was interviewed at the CCRB on May 22, 2012 (encl. D8-9).

On December 30, 2011, PO Shelley, along with his partner, PO Corizzi, were travelling northbound on White Plains Road and East 233rd Street in the Bronx, when PO Shelley observed § 87(2)(b) driving a blue Cadillac about four car lengths away from his, without his seatbelt on. PO Shelley was driving the marked car at about five to ten miles per hour and estimated that § 87(2)(b) was driving at roughly the same speed. PO Shelley observed § 87(2)(b) not wearing his seatbelt from the front windshield and the driver's side window of the marked car.

Since PO Shelley was driving northbound, he made a U-turn and followed § 87(2)(b) until the intersection of White Plains Road and East 228th Street. As PO Shelley was driving behind § 87(2)(b) he saw § 87(2)(b) put on his seatbelt as he was driving. PO Shelley then turned on his lights and siren. § 87(2)(b) pulled over. PO Shelley stepped out of the vehicle. PO Shelley could not recall what PO Corizzi was doing at the time and did not remember if PO Corizzi got out of the vehicle with him. PO Shelley approached § 87(2)(b)'s driver side window and asked for § 87(2)(b)'s license, registration and insurance. § 87(2)(b) repeatedly asked PO Shelley what he wanted and why he was being stopped. PO Shelley told § 87(2)(b) that he was being stopped for a seatbelt violation and that he saw § 87(2)(b) put on his seatbelt as he was driving.

After § 87(2)(b) was asked for his documents, he argued with PO Shelley about the seatbelt violation. PO Shelley denied that he ever told § 87(2)(b) that “all black people are liars.” PO Shelley stated that “he gets called a liar for a lot of things” and told § 87(2)(b) again that he observed him without a seatbelt. PO Shelley told § 87(2)(b) that he could fight the summons again in court, as he did the last time. § 87(2)(b) was found guilty in traffic court, and after the verdict, § 87(2)(b) told PO Shelley that he was going to file a complaint against him.

Witness Officer: PO MICHAEL CORIZZI

- PO Corizzi is a 5'9" tall, 185 lbs. § 87(2)(b) year old white male with brown hair and blue eyes.
- On the date of the incident, PO Corizzi worked the same tour and assignment as PO Shelley.

Memo Book

PO Corizzi did not have any memo book entries pertaining to this incident.

CCRB Statement

PO Michael Corizzi was interviewed at the CCRB on June 4, 2012 (encl. D1-2) . PO Corizzi could not recall many details of the incident, § 87(2)(g)

§ 87(2)(b) PO Corizzi was unsure if he or PO Shelley stepped out of the vehicle first, but was sure that he stepped out of the vehicle and may have shined his flashlight in § 87(2)(b)'s car. After § 87(2)(b) gave PO Shelley his documents PO Corizzi went back to the police car. PO Corizzi did not hear any of the conversation between PO Shelley and § 87(2)(b) as he had returned to the marked car. PO Corizzi, again, did not hear what was said between PO Shelley and § 87(2)(b) while the summons was being given. § 87(2)(b) leaned out of his driver side window as PO Shelley was walking away. PO Shelley returned to the marked car. PO Corizzi did not remember if PO Shelley made any comments about § 87(2)(b) after returning from giving § 87(2)(b) his summons. PO Corizzi and PO Shelley then left the scene.

Summons/Arrest for Incident and Disposition

- Summons information was unable to be obtained.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 9, 2012 with regard to the incident (encl. F1).

Civilian Criminal History

- § 87(2)(b) § 87(2)(c)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A3).

Subject Officer CCRB History

- PO Bennett Shelley has been a member of the service for four years and there is one substantiated CCRB allegation against him (encl. A1-2).
 - In CCRB case number 201002667, PO Shelley frisked an individual. The Board recommended charges. In March 2010, the NYPD imposed instructions upon PO Shelley as a result of this interaction.

Conclusion

Identification of Subject Officer

PO Bennett Shelley acknowledged interacting with § 87(2)(b)

Investigative Findings and Recommendations

Allegation A—PO Bennett Shelley made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) alleged that PO Shelley told him that “all black people are liars” during § 87(2)(b)'s vehicle stop. § 87(2)(b) was the sole occupant of his vehicle and there were no witnesses present. PO Shelley denied this allegation and PO Corizzi stated that he was inside the police vehicle and did not hear the interaction. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: ____1____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date